

[STRIKE 14-14-120 AND 14-14-121 IN THEIR ENTIRITY AND RECODIFY]

## CHAPTER 21

### GROUP HOMES AND OTHER FACILITIES

14-21-101	PURPOSE
14-21-102	USES AND LIMITATIONS
14-21-103	DEFINITIONS
14-21-104	RESIDENTIAL FACILITY FOR ELDERLY PERSONS
14-21-105	RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY
14-21-106	NONRESIDENTIAL TREATMENT FACILITIES
14-21-107	DESIGN STANDARDS

#### 14-21-101 PURPOSE

The provisions and requirements of this ~~chapter~~ Chapter shall not entitle or authorize a particular use on any property or parcel of land. Only such uses and facilities as are specifically authorized in each individual zone as a permitted or conditional use shall be allowed. All other uses and facilities are prohibited.

#### 14-21-102 USES AND LIMITATIONS

The provisions and requirements of this Chapter shall not entitle or authorize a particular use on any property or parcel of land. Only such uses and facilities as are specifically authorized in each individual zone as a permitted or conditional use shall be allowed. All other uses and facilities are prohibited.

#### 14-21-103 DEFINITIONS

The following terms have a specific meaning. See Title 14 Chapter 3 (Definitions).

ADULT DAYCARE FACILITY  
ASSISTED LIVING FACILITY  
BOARDER  
BOARDING HOUSE  
BUILDING, PUBLIC  
DISABILITY  
DOMESTIC STAFF  
ELDERLY PERSON  
FAMILY  
HOSPITAL  
MAJOR LIFE ACTIVITIES  
NONRESIDENTIAL TREATMENT FACILITY  
NURSING HOME  
PROTECTIVE HOUSING FACILITY  
REASONABLE ACCOMMODATION  
RECORD OF IMPAIRMENT  
REGARDED AS HAVING AN IMPAIRMENT

REHABILITATION/TREATMENT FACILITY  
RELATED  
RESIDENTIAL FACILITY FOR ELDERLY PERSONS  
RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY  
RESIDENTS, RESIDENTIAL FACILITY  
RETIREMENT HOME  
SHELTER FOR THE HOMELESS  
SHELTERED WORKSHOP  
TRADE OR VOCATIONAL SCHOOL  
TRANSITIONAL HOUSING FACILITY

**14-21-104 RESIDENTIAL FACILITY FOR ELDERLY PERSONS**

- A. The purpose of this section is to comply with Title 10, Chapter 9a, Sections 516 through 519, Utah Code Annotated, 1953, as amended.
- B. "Residential facilities for elderly persons" shall comply with all requirements of Sections 10-9a-516 through 519, and also the following requirements:
1. The facility shall meet all applicable building codes, safety codes, zoning regulations, the Americans with ~~disabilities~~ Disabilities act ~~Act~~, and health ordinance applicable to single-family or similar dwellings; except as may be modified by the provisions of this chapter;
  2. No facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:
    - a. May be determined to be or does constitute a substantial risk or direct threat to the health or safety of other individuals; or
    - b. Has or may engage in conduct resulting in substantial physical damage to the property of others;
  3. Minimum site development standards shall be the same as those for a dwelling unit in the zone in which the facility is located;
  4. The facility shall be capable of being used as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
  5. The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to any use other than as a residential facility for the elderly or if the structure fails to comply with the applicable health, safety, zoning and building codes; and
  6. No residential facility for elderly persons which has more than five (5) elderly persons in residence shall be established or maintained within three-fourths ( $\frac{3}{4}$ ) of a mile measured in a straight line between the closest property lines of the lots or parcels of similar facilities, residential facilities for persons with disabilities, protective housing facilities,

transitional housing facilities, assisted living facilities, rehabilitation/treatment facilities, or a nonresidential treatment facility.

**14-21-105 RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY**

- A. This section shall be deemed to govern any facility, residence, or other circumstance that meets the definition of a residential facility as set forth in this Title, and the definition of a disabled person as set forth in this Title.
- B. The purposes of this section are:
  - 1. To comply with Title 10, Chapter 9a, Section 520, Utah Code Annotated, 1953, as amended; and
  - 2. To avoid discrimination in housing against persons with disabilities as provided in the Utah Fair Housing Act and the Federal Fair Housing Act as interpreted by the courts having jurisdiction over the City of Bountiful.
- C. Each such facility shall conform to the following requirements:
  - 1. The facility shall comply with all applicable building, safety, and health regulations, the Americans with Disabilities Act, fire regulations, and all applicable state core standards and licensing requirements, and any standards set forth in any contract with a state agency. The facility shall also comply with the city's land use zoning provisions applicable to single-family dwellings for the zone in which it is to be located, except as may be modified by the provisions of this chapter.
  - 2. The following site development standards and parking standards shall be applicable:
    - a. Each facility shall be subject to minimum site development standards applicable to a dwelling unit in the zone in which the facility is located; and
    - b. The minimum number of parking spaces required shall be the same as the number required for a dwelling with similar occupancy density in the same zone.
  - 3. No facility shall be made available to an individual who has demonstrated, by prior behavior, actions, and/or criminal convictions, or as a resident, that he or she:
    - a. May be determined to be or does constitute a direct threat or substantial risk to the health or safety of other individuals; or
    - b. Has or may engage in conduct resulting in substantial physical damage to the property of others.

4. Prior to occupancy of the facility, the person or entity licensed or certified by the Department of Human Services and/or the Department of Health to establish and operate the facility shall:
  - a. Provide a certified copy of such license to the city recorder;
  - b. Certify, in a sworn affidavit submitted with the application for a business license, compliance with the Americans with Disabilities Act;
  - c. Certify, in a sworn affidavit submitted with the application for a business license, that no person shall be placed or remain in the facility whose prior or current behavior, actions and/or criminal incidents or convictions, have demonstrated that such person is or may be a substantial risk or direct threat to the health or safety of other individuals, or whose behavior, actions and/or incidents, or convictions have resulted in or may result in substantial physical damage to the property of others. Such affidavit shall be supplemented and updated not less than one hundred fifty (150) days nor more than one hundred ninety (190) days from the date of issuance of the business license and at the time of the application for renewal of the business license.
5. The use permitted by this section is nontransferable and shall terminate if:
  - a. A facility is devoted to or used as other than a residential facility for persons with a disability; or
  - b. The license or certification issued by the department of human services, department of health or any other applicable agency, terminates or is revoked; or
  - c. The facility fails to comply with the conditions set forth in this section.
6. In any Residential Single-Family (R) Zone, no residential facility for persons with a disability shall exceed six (6) residents, not including staff, or the family that owns the residence.
7. In any Multi-family Residential Zone (RM), no residential facility for persons with a disability shall exceed twelve (12) residents, not including staff, or the family that owns the residence.
8. Residential facilities for persons with disabilities that are substance abuse facilities and are located within five hundred feet (500') of a school, shall provide, in accordance with rules established by the Department of Human Services under Title 62A, Chapter 2, licensure of program and facilities:
  - a. A security plan satisfactory to local law enforcement authorities;

- b. Twenty four (24) hour supervision for residents; and
  - c. Other twenty four (24) hour security measures.
- 9. No residential facility for persons with disabilities shall be located within one thousand feet (1,000') of another such facility as measured from nearest property line of the existing facility to nearest property line of the proposed facility.
- D. None of the foregoing conditions shall be interpreted to limit reasonable accommodations necessary to allow the establishment or occupancy of a residential facility for person(s) with a disability. Any request for a reasonable accommodation shall be made in accordance with the provisions of *14-2-107 ADA AND FFHA ACCOMODATIONS* of this Title.

#### **14-21-106 NONRESIDENTIAL TREATMENT FACILITIES**

- A. Nonresidential treatment facilities shall not be built within the City of Bountiful except as specifically allowed as a permitted or conditional use by proper designation in a zone or zones in this title. Each permitted facility, or facility allowed as a conditional use, shall conform to the following requirements:
  - 1. The facility shall comply with all building, safety, zoning and health regulations, the Americans with disabilities act, fire regulations, and all applicable state core standards and licensing requirements, and any standards set forth in any contract with a state agency.
  - 2. The following site development standards and parking standards shall be applicable:
    - a. Each facility shall be subject to minimum site development standards applicable to a business in the zone in which the facility may be located; and
    - b. The minimum number of parking spaces required shall be the same as the number required for an office building with similar size, occupancy, and density in the same zone.
  - 3. Prior to occupancy of the facility, the person or entity licensed or certified by the department of human services or the department of health to establish and operate the facility shall:
    - a. Provide a certified copy of such license with the city recorder;
    - b. Certify, in a sworn affidavit submitted with application for a business license, compliance with the Americans with disabilities act.
  - 4. The use permitted by this section is nontransferable and shall terminate if:

- a. A facility is devoted to or used as other than a nonresidential facility; or
  - b. The license or certification issued by the department of human services, department of health or any other applicable agency, terminates or is revoked, or the facility fails to comply with the conditions set forth in this ~~section~~Section.
5. No nonresidential treatment facility shall be established or maintained within seven hundred feet (700') measured in a straight line between the closest property lines of the lots or parcels of the following facilities:
- a. A residential facility for persons with a disability;
  - b. A residential facility for elderly with more than five (5) elderly persons in a residence; or
  - c. Any of the following facilities: protective housing facility, transitional housing facility, assisted living facility or rehabilitation/treatment facility, a nonresidential treatment facility, and elementary schools.
6. No facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:
- a. May be determined to be or does constitute a direct threat or substantial risk to the health or safety of other individuals; or
  - b. Has or may engage in conduct resulting in substantial physical damage to the property of others.
7. To the extent similar requirements to any contained in this section are contained in the specific zone in which any facility referred to herein may be located, the more restrictive provisions shall apply, and the requirements stated herein shall be considered to be in addition to presently existing zoning regulations, subject to the conflicts resolution provisions of this subsection.

#### **14-21-107 DESIGN STANDARDS**

- A. Any newly constructed, or remodeled facility in a residential zone, or immediately abutting a residential zone, shall comply with the following design standards:
- 1. All setbacks shall be according to the requirements of the residential zone in which the facility sits, or if the facility is in a commercial zone abutting a residential zone the setbacks shall be those of the abutting residential zone;
  - 2. All required or accessory parking areas shall be located either in the rear yard area of the lot, or behind the main building or garage;

3. In addition to the maximum height restrictions of the individual residential zone, new building or additional buildings shall not exceed one hundred ten percent (110%) of the average height of the closest dwellings on both sides of the proposed structure;
4. In order for new construction to reflect the design and character of the existing neighborhood the following standards shall be met:
  - a. The roof design of the proposed structure or remodel shall be a pitched roof of the same slope as the most common roof slope of the homes on the side of the block on which the building is proposed; and
  - b. At least fifty percent (50%) of the exterior shall be brick or stone, and the remainder shall be of typical residential materials such as stucco, vinyl siding, or cementous fiber board. The use of these materials shall be applied in such a manner as to blend in with the neighborhood where the building is located and not draw undue attention to the building because of the materials, their color and combination being uncharacteristic of the other buildings in the neighborhood.